S.B. Civil Writ Petition No.3580/06
K.K. Purohit & Ors. Vs. State & Ors.

Date of Order : 29/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. P.V. Calla, for petitioners

Petitioners have raised the same grievance which was earlier raised in C.W. No.5356/03, decided on 12th September, 2003 whereby this court observed that the prayer which the petitioner has prayed for cannot be adjudicated by this court in its writ jurisdiction in view of judgment of apex court in ***State of Haryana & Anr. Vs. Tilak Raj & Ors. [2003 (6) SCC 123***] and the writ petition was finally dismissed. However, this court further observed granting liberty to the petitioner to make representation.

Counsel submits that they have made representation in view of observation made by this court, but the same has still not been decided by the respondents.

So far as the dispute which has come for adjudication before this court is concerned, it has been finally decided in the earlier writ petition preferred by the petitioners, decided on 12th September, 2003 mere granting liberty for submitting representation which remained undecided, will not give a fresh cause of action for filing of present writ petition.

In view of what has been observed by this court while disposing of earlier writ petition, present petition is barred by principles of res judicata and so far as observation made with regard to submitting representation is concerned, if the same has not been decided so far, the petitioner is always free to avail remedy available in accordance with law. Consequently, I find no merit in this petition, which is accordingly dismissed in limine.

[Ajay Rastogi],J.

FRB